

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CONTINENTAL WESTERN
INSURANCE COMPANY**

PLAINTIFF

V.

NO. 4:20-CV-20-DMB-JMV

**CONCEPT AGRI-TEK, LLC
f/k/a Concept AG, LLC, a Missouri
limited liability company, et al.**

DEFENDANTS

ORDER

On January 8, 2021, Continental Western Insurance Company moved to stay this case pending the appeal of the dismissal of *Burrell v. Concept Ag, LLC*, No. 4:19-cv-124-NBB-JMV, representing that “[t]he outcome of the appeal at the Fifth Circuit will impact this matter” because if the *Burrell* decision is affirmed, “the instant cause of action should likewise be dismissed.” Doc. #95. The Court granted the motion to stay on January 19, 2021. Doc. #97.

The *Burrell* appeal was dismissed on March 24, 2021, for failure to timely file the appellants’ record excerpts. *Burrell v. Concept Ag, L.L.C.*, No. 20-61017, 2021 WL 1748417, at *1 (5th Cir. Mar. 24, 2021). And though the Fifth Circuit “received the joint appellants’ motion to reopen the case,” the appeal was not reinstated because such “default [was not] remedied within 45 days.” Letter re: Joint Mot. to Reopen, *Burrell v. Concept Ag.*, No. 20-61017 (5th Cir. April 5, 2021), ECF No. 515810647. Because the *Burrell* appeal is no longer pending, the stay in this case is **LIFTED**.

SO ORDERED, this 6th day of January, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE